

Administrative Order
Office of the Mayor
City of Atlanta

ADMINISTRATIVE ORDER NUMBER 02- 08, 2002

BY THE MAYOR

DIRECTING THAT INTERIM CONTROLS REMAIN IN PLACE ON THOSE AREAS OF THE CITY WHICH ARE CURRENTLY PROPOSED AS THE WEST END HISTORIC DISTRICT EXPANSION, UNTIL SUCH TIME AS THE CITY COUNCIL RETURNS FROM ITS SUMMER RECESS AND CAN CONSIDER ORDINANCE Z-02-49, 02-O- 0976 THE CURRENTLY PENDING LEGISLATION REZONING SUCH AREAS WITH THE DESIGNATION OF HISTORIC DISTRICT.

WHEREAS, the West End Historic District was first designated by the City Council and the Mayor on December 7, 1991 and was listed in the National Register of Historic Places on February 25, 1999; and

WHEREAS, the original, city-designated West End Historic District did not include all the contributing residential properties within the West End neighborhood and did not encompass all parts of the district which were listed in the National Register of Historic Places; and

WHEREAS, pursuant to Section 16-20.005 (a) of the City of Atlanta Code of Ordinances, concerned citizens in West End have properly applied for an expansion of the West End Historic District, in order to include more contributing residential properties in the district and align the district boundaries more closely with the boundaries listed in the National Register of Historic Places; and

WHEREAS, certain structures and real property located in Land Lots 107, 117, 118, 139 and 140, 14th District, Fulton County, Atlanta, Georgia were determined to be eligible for nomination for the expansion of the West End Historic District; and

WHEREAS, pursuant to Section 16-20.005 (b), the Executive Director of the Atlanta Urban Design Commission (the "Executive Director") initiated the nomination process for the expansion of the West End Historic District on April 5, 2002 by mailing the appropriate Notice of Intent to Nominate to all property owners in the proposed expansion area; and

WHEREAS, pursuant to Section 16-20.005(c) the properties nominated for the expansion of the West End Historic District were placed under interim controls for 120 days for the purpose of preserving the temporary status quo until such time as the designation process could be completed; and

WHEREAS, since the proposed expansion areas will be governed by the regulations for the present West End Historic District, if the expansion is approved by the City Council and the Mayor, development in the expansion areas is allowed under interim controls, if done in accordance with the regulations for the present West End Historic District; and

WHEREAS, the Executive Director caused to be conducted extensive research regarding this proposed nomination and has reviewed the written report prepared for the designation of the West End Historic District as designated by the City Council and the Mayor on December 7, 1991; and

WHEREAS, the Executive Director found that the designation report stating the findings and recommendations regarding the historic, architectural and cultural significance of the West End Historic District apply equally to the properties within the proposed Expansion of the West End Historic District pursuant to Section 16-20.005(d) and forwarded said report to the Atlanta Urban Design Commission; and

WHEREAS, a public hearing was held by Atlanta Urban Design Commission on May 29, 2002 to consider said nomination after appropriate public notice was provided as required by Section 16-20.005(e); and

WHEREAS, Atlanta Urban Design Commission reviewed and considered said designation report as well as other testimony, documentation and other evidence presented to it, including the testimony of all interested members of the public and property owners pursuant to Section 16-20.005(e), which adopted the designation report prepared by the Executive Director as its Finding of Fact and approved the nomination; and

WHEREAS, after appropriate public notice was provided, a public hearing was held by the Zoning Review Board to consider the nomination on July 30, 2002, and the Zoning Review Board voted to approve the rezoning of the properties included in the expansion of the West End Historic District; and

WHEREAS, on July 31, 2002, the Zoning Committee of the Atlanta City Council considered and unanimously approved Ordinance Z-02-49, 02-O- 0976, the nomination ordinance rezoning those properties included in the expansion of the West End Historic District; and

WHEREAS, the rescheduling of the summer recess of the Atlanta City Council to begin on August 5, 2002, will prevent action on Ordinance Z-02-49, 02-O- 0976, until the meeting of the City Council, which is scheduled for August 19, 2002; and

WHEREAS, pursuant to Section 16-20.005(c)(3), interim controls will expire on August 3, 2002, unless the City Council resolves to extend the interim control period; and

WHEREAS, interim controls will remain in place if the Director of the Bureau of Buildings is ordered not to accept applications for demolition, alteration, erection or construction, on

those parcels of real property proposed for inclusion in the expansion of the West End Historic District unless such applications are accompanied by a Certificate of Appropriateness from the Urban Design Commission approving the work to be done; and

WHEREAS, pursuant to Section 4 of Appendix IV of the Charter of the City of Atlanta, the Mayor may issue executive orders which apply to events of short duration and which expire at the next meeting of City Council subsequent thereof; and

WHEREAS, there is an urgent need, substantially related to the public health, safety and welfare, that interim controls for those areas of the City proposed for the expansion of the West End Historic District, remain in place to protect historic structures from alteration or demolition and to control the development of vacant land so that the new structures are consistent with the character of the West End Historic District; and

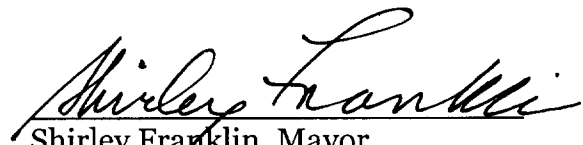
WHEREAS, this executive order will be for a brief and specific period of time which shall be from August 4, 2002 until August 19, 2002.

I, SHIRLEY FRANKLIN, AS MAYOR OF THE CITY OF ATLANTA, NOW HEREBY AUTHORIZE ORDER AND DIRECT AS FOLLOWS:

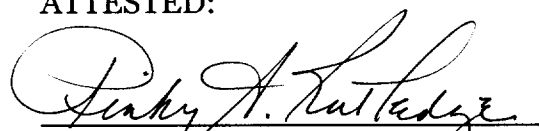
As of August 4, 2002, the Director of the Bureau of Buildings is hereby authorized, ordered and directed to refuse to accept for review or consideration any applications for permits for the alteration or demolition of existing structures or the building of new structures, regardless of the means of demolition, alteration, erection or construction, on those parcels of real property proposed for inclusion in the expansion of the West End Historic District, as specified by Ordinance Z-02-49, 02-O-0976 and/or the maps contained therein, unless such applications are accompanied by a Certificate of Appropriateness from the Urban Design Commission approving the work to be done.

This order shall remain in effect until such time as the City Council next meets on August 19, 2002.

This 2nd day of August, 2002


Shirley Franklin, Mayor

ATTESTED:


Municipal Clerk

ASSISTANT DEPUTY MUNICIPAL
CLERK

Approved as to form
Roxanne Rubens Newell
Interim City Attorney

tricts, the owners of at least 10 properties, or the owners of 10 percent of the total number of properties within the proposed district, whichever is less, for each proposed district. Applications required by this section shall not be construed as zoning amendment applications required in Code of Ordinances section 16-27.001 et seq.

- (2) *Form of application.* When required as set forth above, applications for nominations shall be in the following form: Applications by the city council shall be in the form of a resolution requesting that the director initiate a nomination. Applications by property owners shall be made on forms prescribed by the director and available to the public. No such owner application shall be deemed to be complete until all supporting documentation required in the nomination process has been provided in a form prescribed by the director. Further, all owner applications shall be verified by each owner or each owner's authorized agent.
- (3) *Processing of application:* After an application is received in proper form, the director shall begin the nomination procedures set forth in this part within a reasonable time after receipt based upon the availability of the research and information necessary for the nomination and the availability of staff resources.

(b) *Initiation of Nomination Process:* The process of nomination is initiated by a written notice of intent to nominate a building, site or district to any category of protection provided by this part. Said notice, which shall be prepared and mailed by the director, shall be sent by first class mail to the owner or owners of each such building or site, or in the case of districts to each individual owner of property within such district. Said notice shall describe the building, site or district proposed for nomination, including its location and/or boundaries; shall specify the category of protection to which it is proposed for nomination; shall specify the existing zoning classification, and/or boundaries, and historic protection, if any; shall state that the property could be nominated to another category of protection during the nomination process; shall announce the time, date and place of

the public hearing by the commission to consider said nomination; shall include a statement notifying the property owner(s) of the automatic interim controls provided for in subsection (c) below; and shall include a copy of the interim control ordinance. In addition to the written notice of intent to nominate which initiates the nomination process, the director shall also, at least 15 but not more than 45 days prior to the hearing before the commission, cause to be published a notice within a newspaper of general circulation within the territorial boundaries of the city. This published notice shall state the time, date, place and purpose of the hearing. This published notice shall also include the location and/or boundaries of the property or properties, the existing zoning classification and historic protection, if any, the category of protection proposed, and a statement that the property could be nominated to another category of protection during the nomination process.

(c) *Interim Control:*

- (1) *Findings and purpose:* The governing body finds that immediate but temporary interim controls prohibiting any alteration or demolition of any building or site for which a notice of intent to nominate has been mailed are required in furtherance of the city's comprehensive historic preservation program. Temporary preservation of the status quo is essential to effectively evaluate each proposed nomination and to allow consideration of appropriate designations of all proposed landmark or historic districts, buildings or sites, and to prevent circumvention of the intent of this part.
- (2) *Control regulations:* Therefore, any property or properties for which a notice of intent to nominate has been mailed shall receive the full legislative protection of, and be controlled by, the regulations governing that category of protection to which said property is proposed to be nominated, as specified in this part [section] and chapter 20 of part 16 of the Code of Ordinances governing protection and treatment of properties so categorized. Said protection shall become automatically effective without further action of any kind immediately upon

the date and time that the director of the urban design commission mails the notice of intent to nominate required by subsection (b) above. Except as provided below, the period of this mandatory interim protection shall not exceed 120 days commencing on the date and time of the mailing of said notice of intent to nominate. This interim control period allows and is based upon approximately 45 days for public hearing, evaluation of, and action on the proposed nomination by the commission and approximately 75 days for public hearing and review by the zoning review board, action by the zoning committee, and final action by the city council and the mayor as specified in this part. This 120-day period may be extended by resolution of council only if said extension is due to delay in the legislative process and only for a period of time equal to any such delay, but in no event shall the total interim control period permitted by this section exceed a maximum of 180 days.

- (3) *Enforcement:* The director of the commission shall deliver a copy of each notice of intent to nominate to the director of the bureau of buildings at or before the time and date each notice is mailed by the director of the commission. The director, bureau of buildings shall immediately take all steps necessary to accomplish the requirements of this section, and is prohibited from accepting any application or issuing any permit of any kind for any building, site or district specified in each notice of intent of nominate, unless the director of the bureau of buildings certifies that such permits are necessary due solely to unanticipated emergency public safety reasons or are approved pursuant to a valid certificate of appropriateness as provided for in this part [section] and in chapter 20 of part 16 of the Code of Ordinances. Violations of this section shall be punishable as provided for in section 16-30.002 of the Code of Ordinances, as amended.

(d) *Preparation of Report:* Prior to the commission's public hearing to consider any nomination(s) to any category of protection, the director shall conduct research and compile a written report in the nature of findings and recommendations regarding the historic, architectural and/or cultural significance of each proposed nomination. This report shall include a statement on each of the following to the extent that they apply to the proposed nomination(s):

1. The criteria upon which the nomination of the building, site or district and its boundaries is based, including a finding that the proposed nomination either does or does not meet the minimum criteria required for nomination and designation;
2. A description of the building(s) and/or site(s), as well as features of significance, including date of construction, architect or builder, and architectural style and materials used;
3. A description of the boundaries of each building, site or district, including any proposed transition zone, which may be in the form of either a metes and bounds description or a plat or map. For all district nominations, the proposed boundaries shall be drawn to include all contributing properties reasonably contiguous within an area. Where reasonably feasible in relation to the purpose of each district, boundaries shall include frontage on both sides of streets, and shall divide the proposed district from other districts at rear lot lines, side lot lines, or at other points where divisions will create minimum inter-district friction. Internal boundaries may subdivide the district into subareas and transition areas for regulatory purposes. All descriptions shall be attached to the written report;
4. If the proposed district is visually related to surrounding areas in such a way that actions in the surrounding area might have potentially adverse environmental influences on the district, proposed boundaries for such transitional areas shall be shown, and shall be called transitional zones;
5. The existing zoning classification of the proposed designation;